

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicant's Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Applicant acknowledges with appreciation the indication that claims 2 and 3 contain allowable subject matter, on pages 5 and 6 of the Official Action.

Upon entry of the above amendments claim 1 will have been amended. Claims 1-6 are currently pending. Applicant respectfully requests reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

On page 2 of the Official Action, the claims were objected to for minor informalities. Applicant notes that claim 1 has been amended to adopt the format suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal of this objection to the claims.

On pages 3 and 4 of the Official Action, claims 1, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by SHIMANO et al. (U.S. Patent No. 5,889,748).

Applicant respectfully traverses the rejection of claims 1, 4 and 5 under 35 U.S.C. § 102(b).

Claim 1 recites, inter alia, "at least within an effective diameter of said single lens element, said incident surface and said exit surface being symmetrical with respect to a plane perpendicular to an optical axis of said single lens element and having the same

shape.”

Applicant submits that SHIMANO et al. lacks any disclosure of an objective lens having *an incident surface and an exit surface which are symmetrical with respect to a plane perpendicular to its optical axis, and have the same shape*. Applicant particularly submits that this feature is not “apparent from Fig. 1A, 1B” of SHIMANO et al. as stated by the Examiner.

In this regard, Applicant notes that Figs. 1A and 1B of SHIMANO et al. are merely *conceptual diagrams* for representing a basic idea of the invention of SHIMANO et al. (note column 9, lines 28-29; column 11, lines 17-18), and do not even purport to show the true shape of the surfaces of the objective lens 1. Further, the portions of SHIMANO et al. which do provide specifics regarding the shapes of the two surfaces of the objective lens clearly indicate that the surfaces are not *symmetrical with respect to a plane perpendicular to its optical axis* and do not *have the same shape*. For example, see Figs. 21B, 22, 23, 27B, 28, 29, 33B, 34, 35, and the discussion at column 15, line 65 through column 18, line 11. Applicant submits that these portions make it clear that the objective lens in the system of SHIMANO et al. has differently shaped surfaces on each side, and that the Examiner’s apparent reliance on the *conceptual* representations in Figs. 1A and 1B is misplaced.

Accordingly, as evidence by the above-noted portions of the reference, Applicant submits that SHIMANO et al. lacks any disclosure of an objective lens having *an incident surface and an exit surface which are symmetrical with respect to a plane perpendicular to its optical axis, and have the same shape*.

Applicant also submits that dependent claims 4 and 5, which are at least

patentable due to their dependency from claim 1 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record. For example, Applicant submits that SHIMANO et al. lacks any disclosure of the performance characteristics recited in claims 4 and 5, and that such features are not inherent in the system of SHIMANO et al. Applicant requests that the Examiner provide a detailed explanation as to where he believes such features are specifically disclosed in SHIMANO et al., and/or a detailed explanation of why he believes such features would be inherent in the system of SHIMANO et al., if he intends to maintain this position.

Applicant respectfully submits that the rejection of claims 1, 4 and 5 under 35 U.S.C. § 102(b) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of all of the pending claims.

On page 5 of the Official Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over SHIMANO et al. (U.S. Patent No. 5,889,748).

Applicant respectfully traverses the rejection of claim 6 under 35 U.S.C. § 103(a).

As an initial matter, Applicant submits that claim 6 is at least patentable due to its dependency from claim 1 for the above-noted reasons. Applicant further submits that claim 6 recites additional features of the invention and is also separately patentable over the prior art of record.

For example, Applicant notes that the Examiner acknowledges that SHIMANO et al. lacks any disclosure of half of the maximum field angle being larger than or equal to 3°, and Applicant submits that modifying SHIMANO et al. to satisfy this feature would not have been obvious to one of ordinary skill in the art. Applicant submits that

providing the particularly recited maximum field angle would not be merely determining an optimal or workable range to one of ordinary skill in the art, and requests that the Examiner provide evidence that those skilled in the art would consider it as such, if he intends to maintain this position.

Further, Applicant submits that the modification suggested by the Examiner is clearly the result of impermissible hindsight reasoning based upon the disclosure of the present application, rather than the teachings of the reference.

Applicant respectfully submits that the rejection of claim 6 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of all of the pending claims.

COMMENTS ON REASONS FOR ALLOWANCE

In regard to the Examiner's indication of allowable subject matter in claims 2 and 3 on pages 5 and 6 of the Official Action, Applicant does not disagree with the Examiner's indication that various features of these claims are neither disclosed nor taught by the prior art of record, alone or in combination. However, Applicant wishes to make clear that the claims in the present application recite a combination of features, and that the patentability of these claims is also based on the totality of the features recited therein, which define over the prior art. Thus the reasons for allowance should not be limited to those mentioned by the Examiner.

SUMMARY AND CONCLUSION

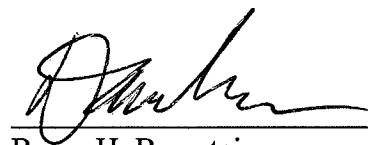
Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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